

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

Cause No. 19-CR-3113-JB

ROBERT PADILLA, et al.,

Defendants.

**UNITED STATES' PARTIALLY UNOPPOSED MOTION FOR EXTENSION
OF TIME TO RESPOND TO MOTIONS AND TO RESCHEDULE THE HEARING
ON PRETRIAL AND DISCOVERY MOTIONS**

The United States, by and through its undersigned counsel, hereby moves the Court for an extension of time to respond to Defendants' Rule 12 pretrial motions, Rule 14 motions to sever, and motions for *James* and Co-Conspirator statements, and Bill Of.

In support of this motion the undersigned states:

1. The Jury Trial of this matter is scheduled to begin on October 18, 2021.
2. Pursuant to the Scheduling Order filed in this case, Doc. 288, Fed. R. Crim. P. 12 pretrial motions; Rule 14 motions to sever; and Motions for *James* and Co-conspirator statement disclosure were due by December 30, 2020.
3. A total of nine motions were timely filed by Defendants, as follows: Defendant Marcos Ruiz's Motion for Severance (Doc. 296); Motion for Production of Alleged Co-Conspirator Statements and for Pretrial Hearing on Their Admissibility (Doc. 297); Motion for Designation, Confirmation, and Identification of Evidence by the Government (Doc. 298);

Defendant Genevieve Atencio's Motion for Severance (Doc. 299); Defendant Rose Ann Romero's Motion for Severance for Trial (Doc. 301); Defendant's Motion to Suppress Involuntary Statement (Doc. 303); Defendant Robert Padilla's Motion for Severance of Counts (Doc. 304); Defendant Robert Padilla's Motion for Bill of Particulars (Doc. 305); and Defendant Robert Padilla's Motion for Discovery Concerning Potential Experts (Doc 306.) Multiple motions for joinder to said motions have been filed by co-defendants.

4. Pursuant to the Scheduling Order, the Government's Responses to said motions are due on January 14, 2020.

5. The Government filed a motion to extend the deadline for filing responses to said motions until January 28, 2021. Doc. 318.

6. Offers to resolve the case have been extended to defendants. However, due to scheduling difficulties, the defendants have not had sufficient time to review and respond to said offers. Therefore, the United States would like to give defendants additional time to review and/or accept the offers.

7. Counsel for the Defendants set forth below concur with this request:

- a. Joe M. Romero on behalf of Defendant Robert Padilla;
- b. Megan Mitsunaga behalf of Defendant Janaya Atencio;
- c. Ahmad Assed on behalf of Rose Ann Romero;
- d. Ryan J. Villa on behalf of Tomas Sanchez;
- e. Gregory M. Acton on behalf of Ashley Romero;
- f. Michael Alarid, Jr. on behalf of Marcos Ruiz;
- g. Diego R. Esquibel on behalf of Defendant Luis Sanchez;
- h. Phillip G. Sapien on behalf of Defendant Sergio Valdez;

- i. Susan Burgess-Farrell on behalf of Defendant Amanda Silva takes no position;
- j. Wayne Baker on behalf of Jonathan Vigil takes no position; and
- k. Michael V. Davis on behalf of Defendant Genevieve Atencio and Thomas M. Clark on behalf of Robert Hockman have not provided their positions.

8. Pursuant to the Scheduling Order, a hearing on pretrial motions and discovery motions was scheduled for February 4-5, 2021.

9. On February 1, 2021, an Order granting Defendants' Unopposed Motion to Extend Deadlines for filing Title III Motions to and to Continue the Motion Hearing set for February 4-5, 2021, Doc. 328, was entered extending the deadlines for filing such motions to February 4, 2021; to February 18, 2021 for responses; and to March 2, 2021 for replies; and continuing the February 4, 2021 hearing to March 4, 2021.

10. On February 3, 2021, Defendant Rose Ann Romero filed a Motion for Extension of Time to File Title III Discovery Motions and to Continue the Motion Hearing set for March 4, 2021. Doc. 338.

11. If the Defendant's motion is granted, the United States would require additional time to prepare a response to any motion(s) that may be filed, and hereby request the Response deadline to such motions be extended to March 19, 2021; and Replies to April 2, 2021.

12. Additionally, the undersigned further requests a continuation of the March 4, 2021, motions hearing until after May 24, 2021 due to ongoing plea negotiations, and multiple jury trials scheduled during April and May as follows:

- a. April 19, 2021, U.S. v. Lopez-Acevedo, 08-CR-2085-JCH;
- b. May 3, 2021, U.S. v. Vasquez-Barragan, 10-CR-777-WJ; and
- c. May 17, 2021, U.S. v. Cabrales, et al., 18-CR-2852-MV.

WHEREFORE, the United States respectfully requests that the Court grant an extension of time for filing its Responses to defendants' Motions (Docs. 296, 297, 298, 299, 301, 303, 305, and 306) until March 19, 2021, with Replies due April 4, 2021 and to reschedule the hearing on pretrial and discovery motions until after May 24, 2021, if the Court's schedule allows.

Respectfully submitted,

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/s/ electronically filed February 5, 2021

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CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2021, I filed the foregoing document electronically through the CM/ECF system. Pursuant to the CM/ECF Administrative Procedures Manual, §§ 1(a), 7(b)(2), such filing is the equivalent of service on parties of record.

/s/
Elaine Y. Ramírez
Assistant United States Attorney